**COURT NO.2**

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**Writ Petition No.145 (S/S) of 2000**

Sunil Kumar Bahuguna, son of Shri Chinta Mani Bahuguna, Assistant Teacher in L.T. Grade (Science/Mathe), in Government Intermediate College, Saurahali, District-Rudra Prayag

.....Petitioner

**Versus**

1. State of Uttaranchal, through Secretary, Ministry of Education, Dehradun.
2. Regional Joint Director of Education, Garhwal Mandal, Pauri Garhwal.
3. District Inspector of Schools, Rudra Prayag, District Rudra Prayag.

.....Respondents

**Sir Rakesh Thapliyal, learned counsel for the petitioner.**
**Learned Standing Counsel and Sri B.D. Upadhyaya, learned counsel for the respondents.**

**Dated: 27.11.2007**

**Hon'ble P.C. Verma, J.**

This writ petition has been filed by the petitioner challenging the judgment and order dated 25.10.2000 passed by the Regional Joint Director of Education, Garhwal Division, Pauri Garhwal in appeal on the direction of the High Court in Writ Petition No.42105 of 1999.

2. Services of the petitioner were terminated as it was found that it was totally an illegal appointment (Farzi) appointment). Accordingly, the services of the petitioner were terminated, against which the petitioner has filed writ petition and the High Court has directed the petitioner to file an appeal and accordingly appeal was

filed and the appeal has been set aside by the impugned order in this writ petition. A finding of fact has been recorded by the Regional Joint Director of Education that the quality point marks of Sunil Kumar Bahuguna were much less (minimum) than those who were selected and his name was also not found in the Select List. Accordingly, the petitioner could not have been appointed and appointment of Sri Sunil Kumar Bahuguna was fraudulent (false). This finding has been recorded by the Regional Joint Director of Education on the basis of scrutiny of records.

3. Therefore, nothing has been said comparatively showing that no comparative statement of fact has been stated in the petition that any person obtaining lower quality point marks has been appointed than that of the petitioner's category to which he belongs other than those of reserve category.

4. In view of the aforesaid discussions, the writ petition is devoid of merit and is dismissed accordingly. No order as to costs.

**(P.C. Verma, J.)**

27.11.2007
RBS